

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

DUANE EDWARD WICKER,  
Petitioner,

v.

UNITED STATES OF AMERICA,  
Respondent.

Civil No. 06-CV-2344-L  
Criminal No. 02-CR-0624-L

**ORDER DISMISSING WITH  
PREJUDICE PETITIONER'S  
MOTION UNDER 28 U.S.C. § 2255  
TO VACATE, SET ASIDE OR  
CORRECT SENTENCE**

On October 20, 2006, Petitioner Duane Edward Wicker ("Petitioner") filed a motion pursuant to 28 U.S.C. § 2255 to vacate, set aside or correct sentence. Petitioner alleges two grounds in support of his § 2255 motion. The first ground attacks the sufficiency of the evidence as to the interstate commerce element, and the second ground discusses racketeering and the lack of evidence connecting Petitioner to the crime of conspiracy to commit murder.

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